UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,112.	11/13/2001	Andrew R. Ferlitsch	10237.10	4303

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QIN, YIXING

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/010,112	FERLITSCH, ANDREW R.
	Examiner	Art Unit
	Yixing Qin	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 May 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5,7,8,10-14,16,18,20,29 and 33-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,5,7,8,10-14,16,18,20,29 and 33-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Arguments

Applicant's arguments with respect to all of the claims have been considered but are moot in view of the new ground(s) of rejection. The Examiner agrees that the Kobayashi reference does not alone teach or suggest the claimed invention. However, a new reference, Olsen et al (U.S. Patent No. 6,952,780) discloses the parsing of spooled data for job accounting purposes and debiting an account for the charges for printing (Olsen – column 4, lines 17-67). Please see the rejection below for more information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

I.   Claims 1, 4, 5, 8, 10, 29, 33, 35-38 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (U.S. Patent No. 7,124,094) in view of Olsen (U.S. Patent No. 6,952,780)

Regarding claims 1 and 29, Kobayashi discloses a system that includes a computer device and a printing device, a method for providing debit print job accounting, the method comprising:

receiving a request from a user to render a print job; (Fig. 7, S13)

spooling data of the print job to a spooler of one of:

   (i) a client computer devices;

   (ii) a print server; (column 22, lines 4-19 – the processing of the text data

to be printed can be interpreted as a spooling function.)

using a print subsystem component to authenticate the user and an account of

the user, wherein the print subsystem component is one of: (Fig. 7, S12)

   (i) the spoolers; and

   (ii) a print processor; (Fig. 7, S12, column 21, 63-column 22, line 3 – the

master server contains some processor to perform the authentication)

Kobayashi discloses in column 41, lines 27-54 various ways to pay for the print

job.

It does not explicitly disclose "using the print subsystem component to parse the

spooled data and determine a layout and a number of pages of the print job, wherein

the costs for the consumables is determined prior to despooling print data of the print

job to the printing device;

using the print subsystem component to determine an amount of available funds

in the user's account; and

if the amount of available funds exceeds the cost for consumables, using the

print subsystem component to debit the cost of the print job from the user's account and

rendering the print job at the printing device."

However, Olsen et al discloses in column 6, lines 43-67 the deduction of funds

from an account depending on the type and amount of document(s) printed. In column

10, line 63 – column 11, line 36 that a port monitor parses the job to obtain the number

of pages and that information is used in the calculation of costs of a print job. Olsen

then goes on to disclose that users are prevented to print if that user has no credit in the

user's account, indicating that there is a check for funds prior to deduction of the funds.

Note also that in Olsen, the accounting takes place on the spooled job (Fig. 5) prior to

the getting the appropriate print engine and sending the information there to be printed.

Kobayashi and Olsen are combinable because both are in the art of job

accounting.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have improved Kobayashi with a more sophisticated job

accounting system like that of Olsen.

The motivation would have been to allow users to more easily see charged and

added convenience of simply deducting an user's account and having billing information

for future reference.

Therefore, it would have been obvious to combine Kobayashi and Olsen to

obtain the invention as specified.

Regarding claim 4, Kobayashi discloses wherein said using a print subsystem

component to authenticate the user and the account of the user further comprises

receiving information from the user to perform said authentication. (Fig. 7, S12 and

column 21, lines 63 – column 2, line 3).

Regarding claim 5, Kobayashi discloses wherein the information received

includes a password. (column 9, lines 45-47).

Regarding claims 10 and 33, Kobayashi discloses wherein said using the print

subsystem component to parse the spooled data and determine a layout and a number

of pages of the print job comprises:

    determining sheet assembly requirements for rendering the print job;

    determining the resolution to be used to render the print job;

    determining whether binding materials are to be used for the print job;

    determining the type of print to render the print job;

    determining sheet assembly characteristics of the print job; and

    determining a type of paper and ink to be used to render the print job. (column

23, line 61 – column 24, line 5 discloses printer specifications)

Regarding claims 35, 36, 37, 46, 47 and 48, Kobayashi discloses a computer

program product using a print subsystem component to authenticate the user and the

account of the user comprises using an application program interface call to pass the

user and account information. (column 16, lines 15-27 – the master server is controlled

by a program. In column 21, line 63 – column 22, line 3 discloses the authentication of

the print client by the server, which would be through a program)

II.   Claims 7 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kobayashi (U.S. Patent No. 7,124,094) in view of Olsen (U.S. Patent No. 6,952,780)

and further in view of Kurijai et al (U.S. Patent No. 6,618,566).

      Regarding claim 7 and 34, Kobayashi discloses the authentication of users using

a password.

      It does not explicitly disclose, "wherein said using a print subsystem component

to authenticate the user and the account of the user comprises embedding the user and

the account information in the spooled data."

      However, Kurijai discloses in Fig. 4 and column 7, lines 30-34 that information

regarding the embedding of the authentication information with the print job.

      All references are combinable because they are both in the art of job accounting

for a print job.

      Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have embedded the authentication information with the print job.

      The motivation would have been to make it easier to keep track of jobs and to

ensure that the proper jobs are being printed.

      Therefore, it would have been obvious to combine all references to obtain the

invention as specified.

III.   Claims 8 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kobayashi (U.S. Patent No. 7,124,094) in view of Olsen (U.S. Patent No. 6,952,780)

and further in view of Yamaguchi (U.S. Patent No. 6,385,675).

Regarding claims 8 and 38, Kobayashi and Olsen discloses a print job

accounting system.

It does not explicitly disclose "wherein if the amount of available funds does not

exceed the cost for consumables, denying a spooling of the print data to the printing

device."

However, Yamaguchi discloses this limitation in column 4, lines 52-67.

All reference are combinable because both are in the art of print job accounting.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have prevented a print job if not enough funds were available.

The motivation would have been to not allow a print job to go through if not

enough funds are available to print the job.

Therefore, it would have been obvious to combine all references Yamaguchi to

obtain the invention as specified.

IV.   Claims 11-13 and 39-41 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kobayashi (U.S. Patent No. 7,124,094) in view of Olsen (U.S. Patent

No. 6,952,780) and in view of the applicant's admitted prior art in the applicant's

specification (Background).

Regarding claims 11, 12, 13, 39, 40 and 41, Kobayashi discloses a system for

job accounting and the determination of characteristics of a print job.

It does not explicitly disclose "wherein said determining the number of pages

includes counting the number of EMF pathnames."

However, the background discloses in page 19, lines 1-5 that in the Windows 9X

family, the spool data file contains pathnames to each EMF page. On page 22, lines 9-

13, the applicant's specification discloses that in commonly known page description

languages, the page data is parsed and boundaries are identified . On page 25, lines

16-18 the applicant's specification discloses that in the NT/2K family, the spool data file

contains a linked index to the file offset. Since all the information is already provided by

the OS or by commonly known page description languages, it would have been obvious

to one of ordinary skill to simply count up the provided information.

All references are combinable because both are in the art of job accounting for a

print system.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have counted the number of EMF pathnames.

The motivation would have been to use the EMF pathnames to easily identify

parts of a print job for easier job accounting.

Therefore, it would have been obvious to combine all reference to obtain the invention as specified.

V.   Claims 14, 16, 18, 21, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (U.S. Patent No. 7,124,094) in view of Olsen (U.S. Patent No. 6,952,780) and further in view Shaw et al (U.S. Patent No. 5,602,974 – "Shaw").

Regarding claims 14, 16, 42 and 43, Kobayashi and Olsen discloses the parsing of a print job.

It does not explicitly disclose "writing print instructions to a printer driver; saving print instructions and device context in EMF; and initiating spooling of journaled data to the spooler."

However, the secondary reference, Shaw, discloses in the abstract the spooling of an EMF (i.e. journaled data) file. Shaw also discloses in Fig. 1 that the EMF contains various data. Please also see column 3 – column 5 lines 1-30 and the various tables contained within. Shaw further discloses in column 1, lines 12-18 that raw data are conventionally used.

All references are combinable because both are in the art of processing print jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied Shaw's technique to Kobayashi 's invention.

The motivation would have been to enable easier parsing and storing of data.

Therefore, it would have been obvious to combine all references to obtain the invention as specified.

Regarding claims 18, 44 and 45, Kobayashi discloses the parsing of a print job. It does not explicitly disclose the steps of :

writing print instructions to a printer driver;

saving print instructions and device context in EMF;

spooling EMF data to a client spooler;

despooling EMF data to a client print processor; and initiating queuing of the print job on a print server.

However, Shaw discloses in column 9, lines 24-27 the de-spooling of a document to a printer, which one would understand would have a print processor. Shaw further suggests in column 6, lines 44-48 that a router sends information from a local spooler to a print server spooler, which indicates that a job is spooled at a local (i.e. client) spooler. Although Shaw does not explicitly disclose the de-spooling of the file locally, it would be obvious to one of ordinary skill since the de-spooling process can just as easily be implemented on a local computer instead of a server computer. Shaw discloses in column 9, lines 22-27 that a background process in a print server queues print jobs. Again, as mentioned in claims 14 and 16 above, Shaw discloses both EMF and raw data types.

Kobayashi and Shaw are combinable because both are in the art of processing print jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied Shaw's technique to Kobayashi's invention.

The motivation would have been to enable easier parsing and storing of data.

Therefore, it would have been obvious to combine Kobayashi and Shaw to obtain the invention as specified.

Regarding claim 20, this claim has been addressed in claim 18 above in the Shaw reference in column 9, lines 24-27 - the de-spooling of a document to a printer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ

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